

ENTERED

January 09, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

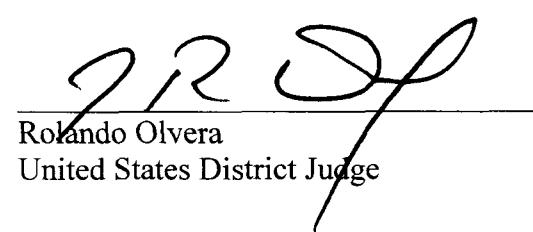
JUAN RICARDO HERNANDEZ, §
Petitioner, §
§
v. § Civil Action No. 1:17-cv-00093
§ (Criminal Action 1:15-cr-1010-01)
UNITED STATES OF AMERICA, §
Respondent. §

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the “Magistrate Judge’s Report and Recommendation” (hereafter “R&R”) (Docket No. 37) in the above-styled action. The R&R recommends dismissing Juan Ricardo Hernandez’ (hereafter “Petitioner”) “Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody” (Docket No. 9). The deadline to respond to the R&R was December 8, 2018; no objections were filed. After a *de novo* review of the file, the R&R is **ADOPTED**.

It is therefore **ORDERED, ADJUDGED, and DECREED** that Petitioner’s “Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody” (Docket No. 9) is **DISMISSED** with prejudice, pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings for the United States District Courts. A certificate of appealability shall not issue. The Clerk is **ORDERED** to close this case.

Signed on this 8th day of January, 2019.


Rolando Olvera
United States District Judge